IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	)))	
Plaintiff,	))	
v.	))	Case No. WDQ-02-CV-648
LA WEIGHT LOSS,	)))	
Defendant.	))	

DECLARATION OF ELVIRA SISOLAK

I, Elvira Sisolak, hereby state as follows:

1. I am a Senior Economist in the Research and Analytical Services unit of the Office of General Counsel of the U.S. Equal Employment Opportunity Commission. I am designated to testify as an expert witness in this case, and I have previously provided a two-page Declaration in this case dated March 6, 2007, which refers to certain matters in my expert reports in this case.

2. Subsequent to executing my March 6, 2007, Declaration, I was asked by EEOC counsel to compare data in the Microsoft Excel file referenced in Paragraph 3 of that Declaration ("Cypher spreadsheet") to data contained in an Excel spreadsheet that sets forth information taken from LA Weight Loss personnel files regarding persons who were hired by LA Weight Loss ("personnel file spreadsheet"). The personnel file spreadsheet was used in my analysis reflected in my Report on the Hiring of Men by LA Weight Loss Centers, Inc., dated May 25, 2006, and described in Tables 9 and 10 of that report. The personnel file spreadsheet

contains information such as the social security numbers, dates of hire, names, and other data regarding employees, to the extent that information was set forth in the Defendant personnel files reviewed. The purpose of comparing the Cypher spreadsheet to the personnel file spreadsheet was to identify by calender year the number of LA Weight Loss employees in the personnel file spreadsheet for whom Cypher Services, Inc. ("Cypher") was unable to locate an application or resume.

3.   When performing this comparison, I first removed from the Cypher spreadsheet all LA Weight Loss employees for whom Cypher reported finding an application or a resume, leaving only employees for whom Cypher reported no application or resume. I then programmed a statistical software program called SAS to match the social security numbers reported for the remaining employees on the Cypher spreadsheet (for whom Cypher could not locate applications or resumes) with the social security numbers reported for employees on the personnel file spreadsheet. Using this technique, where there was a social security number match between the two spreadsheets, I was able to identify the date of hire on the personnel file spreadsheet for the employees for whom Cypher reported no application or resume. This allowed me to then add up the number of employees hired in each calender year for whom Cypher reported no application or resume. This technique reports only social security number matches. It does not account for situations where the two spreadsheets may be referring to the same employee but SAS was unable to match social security numbers, most frequently when a social security number was missing from one of the spreadsheets.

4.   After using SAS to compare the Cypher spreadsheet with the personnel file spreadsheet as discussed above, I was able to find the following numbers of social security number matches

for the years 1998-2001 regarding persons for whom Cypher reported no application or resume:

(A)   calendar year 1998 - 176 employees

(B)   calendar year 1999 - 598 employees

(C)   calendar year 2000 - 550 employees

(D)   calendar year 2001 - 632 employees

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 5/31/07

Elvira Sisolak